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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,521	10/24/2003	Abraham Rosenberg	MS--816-2	9856

7590

02/14/2006

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/692,521	ROSENBERG, ABRAHAM	
	Examiner	Art Unit	
	Yvonne M. Horton	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17 and 20 is/are rejected.
- 7) ☒ Claim(s) 14-16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2,3,8,9,13,15,16 and 20 are objected to because of the following informalities: the claims recite the terms "generally" and "relatively". These terms are broad and do not indicate an exact feature. Thus, it is not clear if the term requires something exact or close to. Appropriate correction is required.

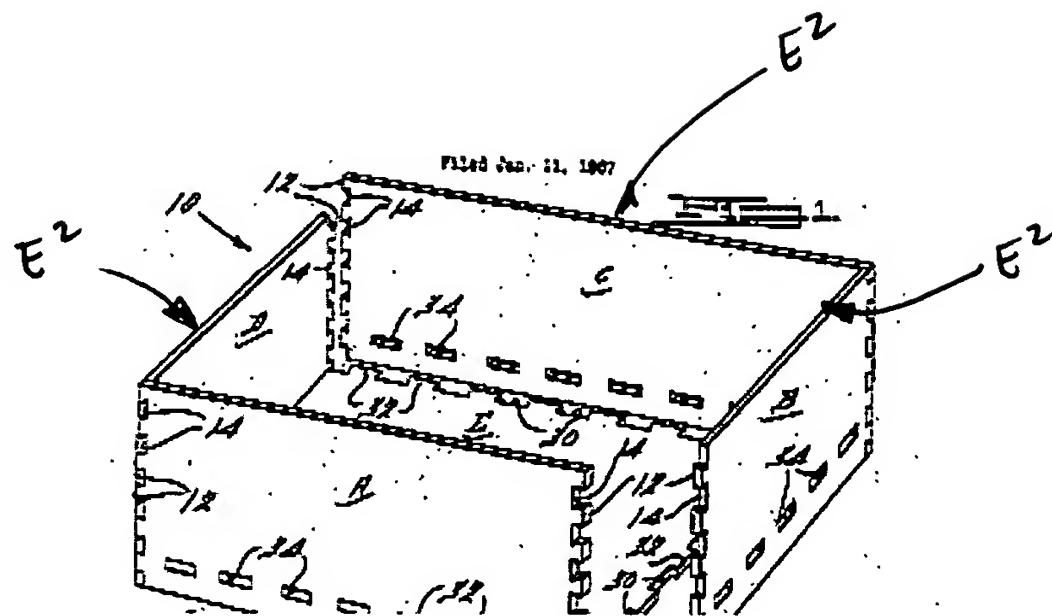
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,442,311 to RHYNE. RHYNE discloses the use of a prefabricated "housing" structure including a first and second plurality of walls (A-E), a first connection means (12,14) disposed to connect the plurality of first walls (A-D) to the plurality of second walls (A-D), a second connection means (34) disposed to connect the first walls (A-D) to other first walls (A-D), and a third connection means (12,14) disposed to connect the plurality of second walls (A-D) to another plurality of second walls (A-D). Each of the first and second walls (A-D) having an edge (E^2) defining a perimeter wherein the edge (E^1) along a full length thereof is flat and without any of the first, second or third



connection means (12,14,34). In reference to claim 2, the wall members of RHYNE are rectangular members, see figure 1, wherein the members have short and long sides. Regarding claim 3, the short edges on both of the first and second wall (A-D) includes the first connection means (12,14). In reference to claim 4, the connection means includes first projecting portions (12) and the third connection means includes second projection portions (12). Regarding claims 5-7, the connection means (12,14) of RHYNE are interconnecting, interlocking, interdigitating means. In reference to claim 8, the wall members (A-D) are planar.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,442,311 to RHYNE. Although RHYNE is silent, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the connection means (12,14) and (34) of the structure of RHYNE is capable of

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withstanding forces imposed thereon in both a perpendicular direction and a parallel direction.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,442,311 to RHYNE in view of US Patent #2,057,942 to FAY. RHYNE, as detailed above, discloses the basic claimed "housing" unit except for the wall panels being hollow. Fay teaches that it is known in the art to form "housing" members as hollow structures (see figures 1 and 3). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the panels of RHYNE as hollow structures, as taught by FAY. Allowing the structure to include hollow panels adds to the diversity of the structure in that more aesthetically pleasing effects may be added such as windows, etc.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,442,311 to RHYNE in view of US Patent #5,895,045 to VILAR. RHYNE, as detailed above, discloses the basic claimed "housing" structure except for the wall panels being made from plastic. VILAR teaches, column 4, line 48, that it is known in the art to form interlocking structures out of plastic material. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the structure of RHYNE out of plastic, as taught by VILAR, in order to prevent the structure from deteriorating from extended use. RHYNE'S structure is made from particle board which when exposed to moisture expands and deforms thereby creating bulges and uneven surfaces. Plastic; however, is durable with regards to exposure to the elements and usually provides longer life.

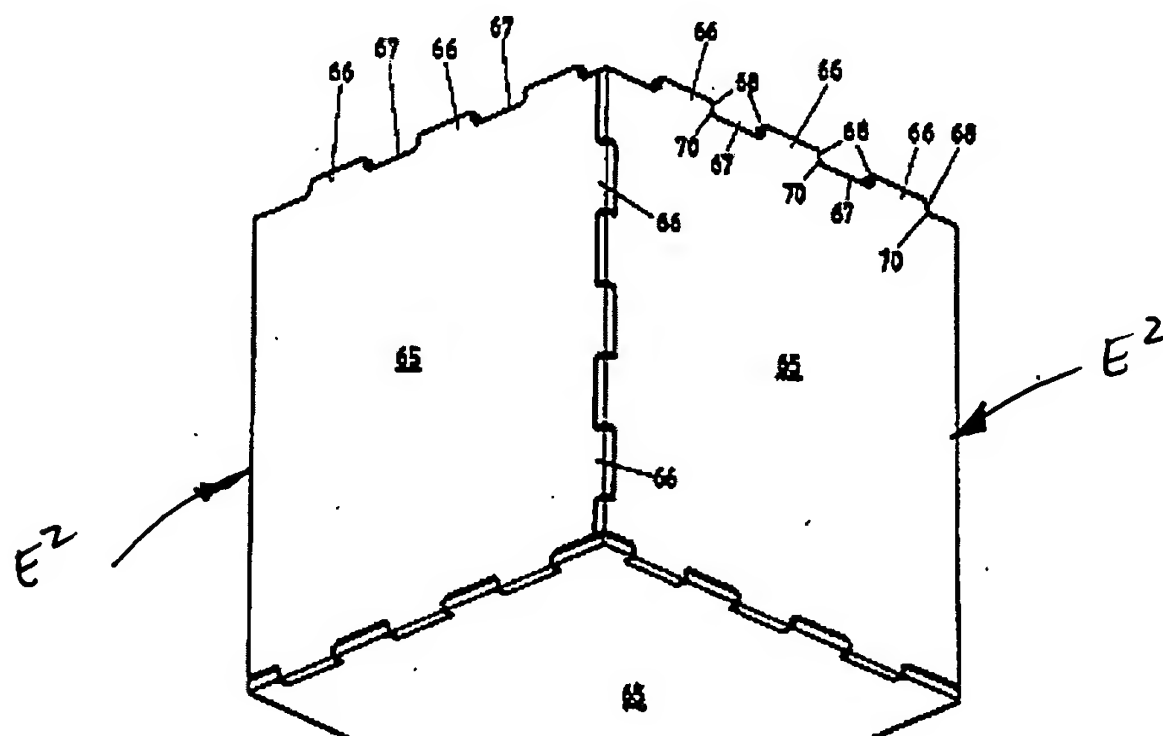
Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,442,311 to RHYNE. RHYNE discloses the basic claimed "housing" structure as detailed above, except his short edges have the connection means disposed there along. Although the structure of RHYNE have long edges that are straight, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the short edges as the straight edges, since the mere reciprocation of essential working parts of an invention involves only routine skill in the art.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,442,311 to RHYNE in view of US Patent #2,691,242 to YOUNG. RHYNE discloses the basic claimed "housing" structure as detailed above, except for explicitly detailing the use of a roof or a plurality of roofing panels. YOUNG teaches that it is known in the art to provide a "housing" structure formed from interconnected wall panels, as shown in figure 1, with a roof (24). Although YOUNG only discloses the use of one roofing panel, it would have been obvious to one having ordinary skill in the art to form the roof of YOUNG from a plurality of panels since it is within the general skill of a worker in the art to form that which was previously formed as a single piece into several pieces. Thus, it too would have been obvious to one having ordinary skill in the art to provide the structure of RHYNE with the roof of YOUNG.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,357,728 to DUNCANSON in view of US Patent #3,442,311 to RHYNE. DUNCANSON discloses the use of a prefabricated "housing" including a plurality of wall panels (65) having a first and second set of stepped projections (66) disposed there

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along and a flat full length along one edge (E^2) of the panel that is without any stepped projections, see figure 8. DUNCANSON discloses the basic claimed structure except



for the wall panels specifically being shaped rectangular. RHYNE teaches that it is known in the art to form interlocking wall panels from a rectangular shaped panel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the panels of DUNCANSON having a rectangular shape, as taught by RHYNE. Further, it would have also been obvious to select the shape of the panel which is suitable for the use intended as an obvious matter of design choice. Regarding the position of the projections on the longer or shorter sides of the rectangle, this too is an obvious matter of design choice. Although; however, RHYNE teaches forming his projections on the shorter edges, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the short edges as the straight

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edges, since the mere reciprocation of essential working parts of an invention involves only routine skill in the art.

Allowable Subject Matter

Claims 14-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In reference to the applicant's argument of the examiner's use of the term "housing", "housing" is a broad term and is being interpreted as such. A "house" or a "housing" can be associated with many things such as something that is associated with people, animals toys or simply objects like socks. For instance, a drawer is a prefabricated structure that "houses" socks.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
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2/8/06